

REMARKS

Claims 1-5 and 10-20 are pending in this application, of which claim 1 has been amended. No new claims have been added.

Claims 1-5 and 10-20 stand under 35 U.S.C. § 112, second paragraph, as indefinite.

In particular, the Examiner has complained that “plate shaped” drug carrier is indefinite.

Accordingly, “plate shaped” has been deleted from the claims.

Thus, the 35 U.S.C. § 112, second paragraph, rejection should be withdrawn.

The Examiner has maintained from the previous Office Action the following prior art rejections:

Claims 1-2, 10-13 and 18-20 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,575,280 to Gupte et al. (hereafter, “**Gupte et al.**”); and

Claims 3-5 and 14-17 under 35 U.S.C. § 103(a) as unpatentable over **Gupte et al.**

Applicants respectfully traverse these rejections.

Gupte et al. discloses a propellant-free inhalation device with a supply of pulverized medical substance in a supply chamber, which has a rotatable dosing means with one or more dosing chambers to receive in one defined position the dose of the medical substance to be inhaled from the supply chamber and to discharge the dose in another position. The inhalation device further is provided with a mouthpiece for active inhalation and an air channel to distribute the dose discharged from the dosing chamber in the flow of breathing air.

FIGS. 2, 3 and 4 of Gupte et al. show the dosing means 3 as a rotating cylinder with dosing chambers 4.

According to the present invention, the plate-shaped drug carrier is pivotably supported in the housing so that the measuring recess reciprocates in a circular manner, relative to the drug discharge aperture of the supply member, by pivoting the drug carrier. Therefore, in contrast to Gupte et al., the drug carrier of the present invention does not rotate fully, but pivots within a limited angle range that the measuring recess reciprocates in a circular manner. As a result, the contact area between the drug carrier and the bottom surface of the supply member in the present invention is smaller than that of Gupte et al., so that generation of static electricity is reduced.

The Examiner has indicated that the “limited angle range” of the pivoting motion of the drug carrier is not recited in the claims.

Accordingly, claim 1 has been amended to recite this distinction.

Thus, the 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) rejections should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-5 and 10-20, as amended, are in condition for allowance, which action, at an early date, is requested.

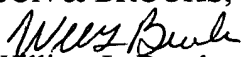
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/500,141
Response to Office Action dated November 13, 2006

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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